

April 12, 2004

Daniel Perez-Zarraga
Perez and Perez
2121 Douglas Road
Miami, FL 33145

RE: REQUEST FOR ADVISORY OPINION 04-53

Dear Mr. Perez:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 7, 2004 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between the firm's current work at the Seaport and serving on the team for Cruise Terminal Improvements.

In your request, you advised the Ethics Commission that the Seaport recently issued a Notice for Professional Consultants to provide architectural and engineering services related to Cruise Terminal Improvements at the Seaport. The scope of services provides that the required professional services for this project shall include but not be limited to the design and rehabilitation of existing cruise terminals 1, 2, 3, 4, 5, 6 7, 8, 9, and 12. The selected firm will also provide services related to terminals D and E. The County reserves the right to add other projects to this PSA.

The Notice to Professional Consultants provides that "(p) rime Consultants must identify whether they or any of their subconsultants, or members have participated in any way in the development of previous Miami-Dade Seaport Department, Cruise Terminal Improvements projects. In identifying themselves or any such subconsultants, or members, the Prime Consultant must identify the specific work that they the sub-consultant or member performed or work to be performed on previous Cruise Terminal Improvements projects as well as the work to be performed as a part of this solicitation."

Perez and Perez has performed work on several Seaport projects including planning studies related to the 2020 Master Implementation Plan. The firm's work on the 2020 Master Implementation Plan included land use allocation studies and design criteria documentation for new Seaport projects. Perez and Perez is currently providing professional design services for the Port Crane Maintenance Facility. The team's other members are Bliss and Nyitray, William A. Berry and Associates, URS Corporation and Consul-Tech. The other team members are not currently providing any work at the Seaport.

The Ethics Commission found that although Perez and Perez' prior work was related to this contract, the scope of work does not overlap with the duties under the Cruise Terminal Improvements contract. Therefore, Perez and Perez does not have a conflict of interest related to the Cruise Terminal Improvements contract. Further, the other team members do not have a conflict of interest because they are not providing any related work to the Seaport.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the

State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS
Executive Director

cc: Luisa Millan Donovan